



★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

February 7, 2017 Special Election

Candidacy Requirements

For

**Mayor
City of Fairfax**

General Disclaimer

This candidacy requirements bulletin provides an overview of Virginia electoral requirements. It is not legal advice nor a binding statement of official policy. It is a description of general law found in the *Code of Virginia*. Applicable laws and regulations are subject to change in content and interpretation. Local charters may set different requirements. Candidates are responsible for verifying the status of and complying with current laws and regulations, including charter provisions and local ordinances.

Introduction

This bulletin and all required forms are available on our web site: <http://elections.virginia.gov/>

This document provides an example and explanation of each document required for candidacy. Filing deadlines and the officer with whom the qualifying forms are filed are addressed for each candidate type, i.e., party candidate nominated by primary, party candidate nominated by method other than a primary, and independent (non-party) candidate.

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Monday through Friday

**Election Calendar
Mayor City of Fairfax**

Election Type	Election Date	Deadlines for Filing		Last Day to Register to Vote	Deadline to Apply for Absentee Ballot
		Candidate Declarations/Petitions	Candidate Statements		
For specific information about filing requirements for local offices, please contact the general registrar of the city or county conducting the election.					
Special	February 7, 2017	A candidate for local office shall file a declaration of candidacy with the general registrar of the county or city where he resides. § 24.2-505	A candidate for local office shall file the statement with the general registrar of the county or city where he resides. § 24.2-501	Tuesday, January 24, 2017 § 24.2-416	In Person: February 4, 2017, 5:00 p.m. By Mail: January 31, 2017, 5:00 p.m. §§ 24.2-701(A), (B)(1), (B)(2)
During any election, the polls are required to open at 6:00 a.m. and close at 7:00 p.m. (§ 24.2-603)					

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I. Election District

As used herein, election district means the area the candidate will represent if elected. See each local office listed above for details.

II. Advertising and Campaign Materials

The Campaign Finance Disclosure Act imposes certain requirements relating to advertising and identification of campaign ads and materials. Please see the *Candidate Campaign Committee Summary* published by the Department of Elections for specific requirements.

The following is provided for your additional information:

A. Sample Ballots

Any sample of a paper or voting equipment ballot must contain the words “Sample Ballot” in not less than 24 point type and the appropriate statement required by the Campaign Finance Disclosure Act. Sample ballots may not be printed on white or yellow paper (§24.2-622).

B. Posting

Contact your City or Town Manager to determine whether local ordinances prohibit or restrict the posting of campaign materials.

No locality shall have the authority to prohibit the display of political campaign signs on private property if the signs are in compliance with zoning and right of way restrictions applicable to temporary nonpolitical signs and if the signs have been posted with the permission of the owner of the property (§15.2-109).

Contact the Virginia Department of Transportation for rules regarding the posting of campaign signs on public property.

C. Violations

If you believe that either any local ordinance or any election law has been violated and you have facts concerning the violation, you should report them in writing to the Commonwealth’s Attorney for the city or county in which the violation happened.

Violations of state-owned right of way restrictions should be reported to your regional Virginia Department of Transportation office.

Violations of the disclosure provisions of Chapter 9.5 of Title 24.2 should be reported to the Department of Elections along with evidence of the purported violation. Anonymous complaints are not accepted by the Department of Elections.

III. Qualifications to be a Candidate

A candidate must meet each of the following requirements:

1. Qualified to vote for and hold the office sought
2. A resident of the Commonwealth for one year immediately preceding the election
3. A resident, by the time of filing, of the city or town in which he offers for election [or has an application for registration, transfer, or change of address on file in the general registrar's office]
4. If he is seeking a district seat, a resident of the election district to be represented [or has an application for registration, transfer, or change of address on file in the general registrar's office]

Administrative regulations 1 VAC 20-40-20 through 1 VAC 20-40-60 provide guidance for determining residency.

IV. Documents Required to be Filed

A candidate must file certain documents in order to qualify to appear on the ballot. Each form is described below. An explanation of who is required to file each item also is provided. Each document can be downloaded from our website: <http://elections.virginia.gov>. If any candidate has failed to file either a Certificate of Candidate Qualification (SBE-501) or a required Statement of Economic Interests by the filing deadline such candidate may request a ten day extension from the State Board of Elections. [Va. Code § 24.2-503](#).

A. Certificate of Candidate Qualification

This document is prepared and distributed by the Department of Elections. All candidates on the ballot are required to file this form.

B. Declaration of Candidacy

This document is prepared and distributed by the Department of Elections. It must be filed by primary election candidates and independent (non-party) candidates. It must be filed at the same time as the petitions.

Candidates for political party nomination by a method other than a primary file this declaration and the petitions described below only if so required by the rules of the political party. Contact your district chair to determine if they are required.

C. Petition of Qualified Voters

This document is prepared and distributed by the Department of Elections. If required, petitions containing the correct number of signatures must be filed together with the

declaration of candidacy. Petitions must be filed by independent (non-party) candidates. General election candidates cannot circulate petitions until after August 18, 2016.

1. Petition Circulator

Petitions can be circulated by any person who is a resident of the United States of America, at least 18 years of age and has no felony convictions as to which voting rights have not been restored.

The person circulating the petition must affirm before a notary or other person authorized to administer oaths, that he personally witnessed the affixing of the signatures. Falsely taking this affidavit is a felony under Virginia law. The circulator never can leave the petition unattended, e.g., left on the counter at a grocery store, restaurant, etc.

2. Number of Signatures Required

Petitions must contain the signatures of at least the number of qualified voters listed below.

- In cities
 - For Mayor: 125 signatures of qualified voters of the city the candidate seeks to represent.
 - For city council and city school board: 125 signatures of qualified voters of the election district (at-large or specific district or ward).

Exception - if the city election district contains 1,000 or fewer registered voters, petitions must contain the signatures of at least 50 qualified voters of the district\ward.

- In Towns with 1,500 or fewer registered voters no petition is required.
- In Towns with more than 1,500 registered voters:
 - For at-large seats: 125 signatures of qualified voters of the town
 - For town district seats: 25 signatures of qualified voters of the town district.

Call your general registrar to find out which signature requirement applies to you. If petitions are required, the Department recommends that a candidate get at least 150% of the number of signatures required to assure that enough signers are qualified voters.

3. Regulation on Material Omissions on Candidate Petitions

1VAC20-50-20 of the *Virginia Administrative Code* identifies what does and does not constitute a material omission on a candidate's petition for the purpose of disallowing

the petition. Please review the regulation before circulating the Petition of Qualified Voters form.

4. Frequently Asked Questions Regarding Petitions

The following are frequently asked questions received regarding the petition process:

Q: Do I have to print the petition double-sided or may I staple two separate pages together and circulate?

A: A petition page is a double-sided document with both a front and back. You need to print out the petition double-sided. The front and back of the petition pages cannot be stapled together and circulated as one petition page.

Q: What happens if I need additional time to gather the required number of signatures?

A: Neither the general registrars nor SBE have authority to accept additional petitions after the deadline.

Q: Who is responsible for ensuring my petition signers and circulators are eligible to sign and/or circulate my petition?

A: The candidate. A candidate that files the certificate of candidate qualification with her general registrar may purchase from the Department of Elections a list of registered voters for their election district. Purchasing the list may improve petition signature proficiency.

Q: Is it required for the petitions to be notarized?

A: Yes. Sections 24.2-506 and 24.2-521 require that each petition circulator's affidavit be notarized. Candidates should verify that the notary provides their photographically reproducible notary seal\stamp, notary registration number, date notary commission expires and notary signature on each petition page.

Q: I see two versions of the Petition of Qualified Voters form available on SBE's website, which one should I use?

A: Either the letter size (8 ½" x 11") or legal size (8 ½" x 14") petition may be used. The legal size version contains more signature lines than the letter size version. The letter size version fits more neatly on a clip board. Personal preference will prevail

Q: I am circulating a petition for a candidate; may I also sign as a qualified voter the petition I am circulating?

A: No. The person circulating the petition must answer, under oath, that he personally

witnessed the affixing of the signatures on the petition and no person can witness her own signature.

Q: I am a candidate and a Notary. May I notarize the petition pages circulated by other persons?

A: No. § 47.1-30 of the Code of Virginia prohibits a notary from performing a notarial act on any document in which the notary or her spouse is a party, or in which either of them has a direct beneficial interest. Any Notary who violates these provisions is considered guilty of official misconduct, may be removed from office and may be subject to other penalties.

D. Statement of Economic Interests

This disclosure form is administered by the Virginia Conflict of Interest and Ethics Advisory (“COIA”) Council and should be available from the clerk of the governing body or the clerk of the school board. It is required to be filed by all candidates for Mayor, Council or School Board in cities or towns having a population in excess of 3,500. Questions regarding the form should be directed to the COIA Council.

E. Statement of Organization

While the Statement of Organization is not required to qualify for the ballot, it is required to be submitted by anyone who does qualify for the ballot in addition to other candidates seeking elected office who meet certain criteria. The failure to file the Statement of Organization is not cause for disqualification. However, you are subject to penalties imposed by the Campaign Finance Disclosure Act. Please see the Candidate Campaign Committee Summary published by the Department of Elections for more information.

V. Filing Deadlines and Where to File

A. For A Party Candidate Nominated By Method Other Than A Primary

Postmarks are acceptable only if mailed by registered or certified mail and a receipt showing date of mailing can be produced if demanded by the Department of Elections.

Required Statements*	Where to File
Certificate of Candidate Qualification	General Registrar
Statement of Economic Interest	
Certificate of Party Nomination	General Registrar
For specific information about filing requirements for local offices, please contact the general registrar of the city or county conducting the election.	
* Any person who fails to file all the required forms by the above deadline may not have	

her name printed on the General or Special Election ballot.

B. For An Independent (Non-Party) Candidate

All items listed below must be received by the filing deadline. Postmarks are acceptable only for Items 3 and 4 and only if they are mailed by registered or certified mail and a receipt showing date of mailing can be produced if demanded by the office with which the forms are filed.

Required Forms*	Where to File
Declaration of Candidacy	General Registrar
Petitions of Qualified Voters	
Certificate of Candidate Qualification	
Statement of Economic Interest	
For specific information about filing requirements for local offices, please contact the general registrar of the city or county conducting the election.	
* Any person who fails to file all the required forms by the above deadline may not have her name printed on the General or Special Election ballot.	

VI. Notice of Deficiencies in Declaration or Petitions

An independent (non-party) candidate may request notification of any problems with her filing that can be corrected before the filing deadline. This request must be in writing as required by § 24.2-505(D) of the Code of Virginia.

This letter must be addressed to the secretary of the electoral board. It must accompany the declaration of candidacy and petitions filed with the general registrar.

The written request does not guarantee timely response. Certain factors, such as the number of filings, may affect the electoral board's ability to comply with the request. It is suggested that documents be filed at least ten [10] working days before the filing deadline if this notice is requested

VII. Appeal of Deficiency in Petition Signatures

The Code of Virginia § 24.2-506(C), grants a nonparty candidate the right to appeal the determination that the candidate "does not qualify to have his name appear on the ballot by reason of the candidate's filed petition not containing the minimum number of signatures of qualified voters for the office sought." Candidates have 5 days from the issuance of notice of their disqualification to file their appeal with the determining body.

Appeals are conducted by the determining body in accordance with regulations set forth by the State Board of Elections in 1VAC20-50-30 of the Virginia Administrative Code. Consideration

on appeal is “limited to whether or not the signatures on the petitions that were filed were reasonably rejected according to the requirements of [Title 24.2 of the Code of Virginia and regulations for petitions set forth by the State Board of Elections]. “The candidate bears the burden of proof in establishing that a sufficient number of signatures from qualified voters were timely provided.” All appeals are final and not subject to further appeal.

VIII. Requirements for Getting a Recognized Party ID on the Ballot

Candidates for local office do not appear on the ballot with political party identification. However, nominees of political parties appear in the ballot order determined by the State Board of Elections. A candidate of a recognized party would appear on the ballot after the Democratic and Republican candidates, if present, and before the independent candidates. The Department of Elections recommends that the recognized party candidate provide this information to the State Chairman of the political party to assure that the deadline for providing this information is met.

The Code of Virginia permits independent candidates associated with organizations with sufficient credentials (“recognized political parties”) to have their organization identified on the ballot. In order to do so, the state chair of the group must provide certain documents to the Department of Elections no later than the normal deadline for party chairs to certify their non-primary candidates.

The required documents are as follows:

1. An affidavit signed by the State Chair of the group, under oath, stating the following:
 - The group has been in existence for at least six months prior to the filing deadline.
 - The group has a state central committee composed of registered voters from each of Virginia’s 11 congressional districts.
 - The group has a party plan and bylaws.
 - The group has a duly designated chairman and secretary.
2. A list of the names and resident addresses of the officers and members of the state central committee.
3. A copy of the party plan and bylaws
4. A letter signed by the state chair of the group, certifying that the individual is the nominee of the group and, if his filing is adequate and he is determined to be qualified, is eligible to be identified as such on the November 8, 2016 ballot for the U.S. House of Representatives for the [district number] district for which he filed as an Independent candidate.
5. A letter signed by the nominee accepting the party’s nomination.

IX. Order of Names on Ballots

In primary elections candidates appear on the ballot in the order in which they file. If two or more candidates file at the same time, the order in which they appear will be determined by a drawing conducted by the local electoral board.

In the general election the candidates of political parties appear first on the ballot, in the order determined by a drawing conducted by the State Board of Elections. The candidates of recognized political parties appear next on the ballot, in the order determined by a drawing conducted by the State Board of Elections. Independent (non-party) candidates appear in alphabetical order following the candidates of political parties and recognized political parties.

X. Other Required Reports

All candidates for city offices and any town whose governing body adopted an ordinance requiring candidates to comply with the provisions of the Campaign Finance Disclosure Act must file campaign finance reports on a schedule determined at the time they submit their Statement of Organization. These reports are filed directly with the general registrar of the candidate's city or county of residence unless the candidate opts to file reports electronically. Electronic filings are made to the Department of Elections. For more information, visit our website: <http://elections.virginia.gov>.

No certificate of election can be issued to any successful candidate who fails to file the required reports.

XI. Frequently Asked Questions

Listed below are the most commonly asked questions.

Q: I work for the federal government. Can I be a candidate?

A: Pursuant to the federal law commonly known as the Hatch Act, you may be a candidate in a non-partisan election or, if you live in the Counties of Arlington, Fairfax, Loudoun, Prince William, Spotsylvania or Stafford or the Cities of Alexandria, Fairfax, Falls Church, Manassas, Manassas Park or Portsmouth, you may be an independent candidate for local office in a partisan election. An election is considered partisan if any of the candidates for the office you would seek are nominated by a political party. To determine whether you might also be affected by the rules and regulations of the agency for which you work, contact your personnel officer. It should also be noted that most employees of the legislative branch of the federal government are not covered by the Hatch Act but may be affected by other rules and regulations. The U.S. Office of Special Counsel provides guidance about the Hatch Act. <https://osc.gov/Pages/HatchAct.aspx>

Q: I work for the state or a local government; can I be a candidate?

A: Some state and local government employees are prohibited from being candidates. You may be so prohibited if your agency receives federal funds. Contact the personnel officer where you work. If needed, present the facts of your case in writing, including the office you wish to seek, to the Hatch Act Unit of the U.S. Office of Special Counsel. That office will determine if you are affected by the Hatch Act. Their web address is <http://www.osc.gov>. Advice about state and local conflicts laws may be requested from your local government attorney or Commonwealth's attorney or the Virginia Conflict of Interests and Ethics Advisory Council discussed below.

Q: I do business with my local government. Am I prohibited from holding office on its governing body due to a conflict of interest?

A: Contact an attorney to determine whether or not the provisions of the State and Local Government Conflict of Interests Act (§§ 2.2-3100 through 2.2-3127 of the Code of Virginia) may affect your ability to hold the office you intend to seek.

Q: I am an employee of the school board; can I be a candidate for school board?

A: Yes, provided no local rules prohibit the candidacy. However, if elected, you must resign the employee position held. An employee of the school board may not serve on that school board.

Q: Can a political party endorse a candidate for elected school board?

A: Yes. Endorsements do not constitute nomination by the political party.

Q: What activities are permitted at the polls on election day?

A: Please refer to the *Do's and Don'ts with Guidelines for Campaigners and Authorized Representatives* published by the Department of Elections. We suggest that you provide this information to any person who will either serve as your representative inside the polls or work for you outside the polls on election day.

XII. Virginia State and Local Government Conflict of Interests Act

Effective January 1, 2016, the Virginia State and Local Government Conflict of Interest Act (COIA) requires general registrars to notify all candidates of the provisions of Chapter 31 of Title 2.2 of the Code of Virginia, the Virginia State and Local Government Conflict of Interests Act, Va. Code §§ 2.2-3100 through 2.2-3131.

COIA regulates the conduct of Virginia public officials in two basic ways: (1) disclosure requirements for reporting certain types of economic relationships on the Statement of Economic Interests form; and (2) prohibitions against certain conduct or participation in certain transactions. Guidance about the completing the disclosure form and COIA's substantive prohibitions and participation conditions can be obtained from the COIA Council:

<http://ethics.dls.virginia.gov/>

Phone: 804-786-3591